



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :
 Ryouichi TAKAYAMA et al. : Attorney Docket No. 2005_1045A
 Serial No. 10/540,399 :
 Filed June 23, 2005 :

ELECTRONIC PART AND ELECTRONIC
 EQUIPMENT WITH ELECTRONIC PART
 [Corresponding to PCT/JP2003/016513
 Filed December 24, 2003]

THE COMMISSIONER IS AUTHORIZED
 TO CHARGE ANY DEFICIENCY IN THE
 FEES FOR THIS PAPER TO DEPOSIT
 ACCOUNT NO. 23-0975

**REPLY TO NOTICE OF INSUFFICIENT BASIC NATIONAL FEE REQUIRED
 AND/OR MISSING COPY OF INTERNATIONAL APPLICATION UNDER 35 USC 371
 AND 37 CFR 1.495**

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

On June 23, 2005 the above-identified National Stage application was filed with all of the required elements. However, on December 12, 2005, the PTO issued a NOTICE OF INSUFFICIENT BASIC NATIONAL FEE REQUIRED AND/OR MISSING COPY OF INTERNATIONAL APPLICATION UNDER 35 USC 371 AND 37 CFR 1.495.

Because of the nature of the Notice, the undersigned, on several occasions unsuccessfully attempted to reach Mamie Person of the PTO, who issued the Notice, in order to seek clarification of what papers are missing and to attempt to resolve the matter.

A copy of the Notice is enclosed herewith.

A copy of the post-card receipt, date stamped by the PTO, is enclosed herewith as prima-facie evidence that the items listed therein were filed and received by the PTO on June 23, 2005.

A copy of the Transmittal Letter, filed June 23, 2005, is enclosed herewith.

A copy of the form PCT/IB/308, filed with the PTO on June 23, 2005, is enclosed herewith.

A copy of a check in the amount of \$2,800, cashed by the PTO, is enclosed herewith.

The Notice indicates that the copy of the International Application is missing and must be furnished. As indicated on the enclosed post card receipt, the form PTC/IB/308 was filed with the PTO on June 23, 2005. As indicated on the Transmittal Letter filed June 23, 2005, and on the form PCT/IB/308, **a copy of the International Application was sent to the PTO by the International Bureau.**

As indicated on the PTC/IB/308, "In accordance with Rule 47.1(c), third sentence, those Offices [including the USPTO] will accept the present notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above [15 July 2004] and no copy of the international application is required to be furnished by the application to the designated office(s)." Emphasis added.

Accordingly, the requirement for a copy of the International Application set forth in the Notice is improper.

The Notice states that "The basic national fee to enter the national stage in the United States of America under 35 USC 371 must be paid by 30 months from the priority date." The Notice then refers to an "amount required shown above", but shows no amount. Therefore, the Notice is improper because it is not clear whether the Notice is requiring any further payment.

As indicated on the enclosed copy of the post card receipt, a check in the amount of \$2,800 was filed and received by the PTO on June 23, 2005. A copy of the returned check is enclosed, which shown that the check was cashed by the PTO.

Accordingly, no further payment is required.

In view of the above, the Notice issued by the PTO on December 12, 2005 is improper and must be withdrawn immediately.

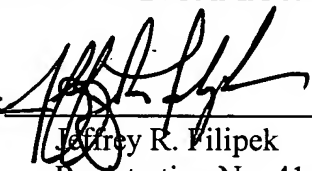
Moreover, since this erroneous Notice has likely delayed examination to the detriment of the Applicant. Therefore, the PTO should now take all measures possible to expedite further processing and examination of this application.

Applicant expects that the PTO will grant a proper number of Patent Term Adjustment days to compensate for the delay caused by the improper Notice.

Any inquiries regarding this application may be directed to the undersigned by telephone.

Respectfully submitted,

Ryouichi TAKAYAMA et al.

By: 

Jeffrey R. Filipek
Registration No. 41,471
Attorney for Applicants

JRF/ck
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
January 25, 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

Rec'd 25 JAN 2006

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/540,399	FIRST NAMED APPLICANT Ryouichi Takayama	ATTY. DOCKET NO. 2005-1045A
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INTERNATIONAL APPLICATION NO. PCT/JP03/16513

I.A. FILING DATE 12/24/2003	PRIORITY DATE
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 WENDEROTH, LIND & PONACK, L.L.P.
 2033 K STREET N. W.
 SUITE 800
 WASHINGTON, DC 20006-1021

RECEIVED

DEC 13 2005

WENDEROTH, LIND & PONACK

CONFIRMATION NO. 9711

371 FORMALITIES LETTER



OC000000017635264

Date Mailed: 12/12/2005

NOTICE OF INSUFFICIENT BASIC NATIONAL FEE REQUIRED AND/OR MISSING COPY OF INTERNATIONAL APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

Indication of Small Entity Status has not been received.

The following items must be furnished:

Copy of International Application, which includes a copy of the Request Form, submitted to the International Bureau is missing. A copy of the International Application must be provided prior to 30 months from the priority date to avoid abandonment. Extensions of time under the provisions of 37 CFR 1.136 are not available for compliance with the requirements of 37 CFR 1.495(b). The international application may not be submitted via facsimile transmission.

The basic national fee to enter the national stage in the United States of America under 35 U.S.C. 371 must be paid by 30 months from the priority date (37 CFR 1.495(b)(2)).

If the proper basic national fee is not paid within 30 months from the priority date, the international application will become ABANDONED as to the United States of America, and will not be accepted for national examination.

The amount required shown above reflects the correct fee as of the date of this Notice. If the amount changes prior to payment, applicant must pay the revised amount.

The current basic national fees are listed at 37 CFR 1.492(a). In addition, current PCT related fees are listed in each weekly issue of the Official Gazette of the United States Patent and Trademark Office and the amount of the fees can be obtained from the USPTO's web site www.uspto.gov or by contacting the Public Service Center at (703) 308-4357.

Extensions of time under the provisions of 37 CFR 1.136 are not available for compliance with the requirements of 37 CFR 1.495(b)(2).

For filing the basic national fee, the first class certificate of mailing procedure of 37 CFR 1.8 is NOT available to establish the date of mailing as the date of receipt in the USPTO (see 37 CFR 1.8(a)(2)(i)(F)). The Express Mail procedure of 37 CFR 1.10 may be used.

The basic national fee may not be submitted via facsimile transmission.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice **MUST** be returned with the response.

MAMIE P PERSON

Telephone: (703) 308-9140 EXT 227

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/540,399	PCT/JP03/16513	2005-1045A

FORM PCT/DO/EO/912 (371 Formalities Notice)

ATTY DCKET #: 2005_1045A

OUR REF: 2005_1045A/JRF/01732

Applicant: Ryouichi TAKAYAMA et al.

Serial No.: NEW

Title: ELECTRONIC PART AND ELECTRONIC EQUIPMENT WITH ELECTRONIC PART



Due Date: June 25, 2005

Filed Date: June 23, 2005

Receipt of the following papers is acknowledged:

1. Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 USC 371 (National stage application of PCT/JP2003/016513) (IN DUPLICATE)
2. Attachments: (A) Form PCT/IB/308; (B) English translation of International Application including specification comprised of 99 pages and 35 sheets of drawings (Figs. 1A-35B); (C) Cover Letter for Application Filed Without Executed Declaration along with Unexecuted Declaration and Power of Attorney; (D) Information Disclosure Statement, Form PTO 1449 w/copy of International Search Report (in English) and (5) references; (E) Preliminary Amendment and Substitute Specification and Abstract comprised of 83 pages (CLEAN VERSION) and Substitute Specification and Abstract comprised of 83 pages (MARKED UP); (F) Notification Concerning Submission or Transmittal of Priority Document (Form PCT/IB/304)
3. Check in the amount of \$2800.00

Date June 23, 2005

Attorney DMO/JRF/fs

[Check No. 68927]

COPY

ATTORNEY DOCKET NUMBER
2005_1045ATRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. §371U.S. APPLICATION NO.
(if known, see 37 CFR 1.5)
NEWInternational Application No.
PCT/JP2003/016513International Filing Date
December 24, 2003Priority Date Claimed
December 25, 2002

Title of Invention

ELECTRONIC PART AND ELECTRONIC EQUIPMENT WITH ELECTRONIC PART

Applicant(s) For DO/EO/US

Takeshi TAKAYAMA, Hidekazu NAKANISHI, Takashi INOUE, Tetsuo KAWASAKI, Kouji HASEGAWA, Yukio IWASAKI

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. §371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. §371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. §371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. §371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. §371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau as indicated on the attached Form PCT/IB/308. **ATTACHMENT A**
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☒ A translation of the International Application into English (35 U.S.C. §371(c)(2)). **ATTACHMENT B**
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. §371(c)(3)).
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19.
9. ☒ An unexecuted oath or declaration of the inventor(s) (35 U.S.C. §371(c)(4)) along with Cover Letter for Application Filed Without Executed Declaration. **ATTACHMENT C**
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. §371(c)(5)).

Items 11. to 14. below concern other document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98. **ATTACHMENT D**
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment. **ATTACHMENT E**
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☒ Other items or information: a. Notification Concerning Submission or Transmittal of Priority Document, Form PCT/IB/304. **ATTACHMENT F**

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
NEW

INTERNATIONAL APPLICATION NO.
PCT/JP2003/016513

ATTORNEY'S DOCKET NO.
2005_1045A

15. [X] The following fees are submitted

Basic National Stage Fee	\$300.00
National Stage Search Fee	\$400.00
National Stage Examination Fee	\$200.00
Specification/drawings in excess of 100 pages (1 unit of 50 x \$250.00) =	\$250.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

\$1150.00

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

\$

Claims	Number Filed	Number Extra	Rate
Total Claims	29 - 20 =	9	X \$50.00
Independent Claims	9 - 3 =	6	X \$200.00
Multiple dependent claim(s) (if applicable)			+ \$360.00

\$ 450.00

\$1200.00

\$

TOTAL OF ABOVE CALCULATIONS =

\$2800.00

☐ Small Entity Status is hereby asserted. Above fees are reduced by 1/2.

\$

SUBTOTAL =

\$2800.00

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492(f)).

+

\$

TOTAL NATIONAL FEE =

\$2800.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +

\$

TOTAL FEES ENCLOSED =

\$2800.00

Amount to be refunded

\$

Amount to be charged

\$

a. [X] A check in the amount of \$2800.00 to cover the above fees is enclosed. A duplicate copy of this form is enclosed.

b. ☐ Please charge my Deposit Account No. 23-0975 in the amount of \$_____ to cover the above fees.
A duplicate copy of this sheet is enclosed.

c. [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 23-0975.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

19. CORRESPONDENCE ADDRESS

CUSTOMER NO.

000513

By:

David M. Ovedovitz
Registration No. 45,336

for
Jeffrey R. Filipek,
Registration No. 41,471

WENDEROTH, LIND & PONACK, L.L.P.
2033 "K" Street, N.W., Suite 800
Washington, D.C. 20006-1021
Phone: (202) 721-8200
Fax: (202) 721-8250

June 23, 2005

[CHECK NO. _____]

[2005_1045A]

From the INTERNATIONAL BUREAU

PCTNOTICE INFORMING THE APPLICANT OF THE
COMMUNICATION OF THE INTERNATIONAL
APPLICATION TO THE DESIGNATED OFFICES

(PCT Rule 47.1(c), first sentence)

To:

KOTANI, Etsuji
Nichimen Building 2nd Floor, 2-2, Nakanoshima 2-chome,
Kita-ku
Osaka-shi, Osaka 530-0005
JAPONDate of mailing (day/month/year)
15 July 2004 (15.07.2004)Applicant's or agent's file reference
P1329PCT

IMPORTANT NOTICE

International application No.
PCT/JP2003/016513International filing date (day/month/year)
24 December 2003 (24.12.2003)Priority date (day/month/year)
25 December 2002 (25.12.2002)

Applicant

MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD. et al

1. Notice is hereby given that the International Bureau has communicated, as provided in Article 20, the international application to the following designated Offices on the date indicated above as the date of mailing of this notice:

AU, AZ, BY, CH, CN, CO, DZ, EP, HU, KG, KP, KR, MD, MK, MZ, RU, TM, US

In accordance with Rule 47.1(c), third sentence, those Offices will accept the present notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

2. The following designated Offices have waived the requirement for such a communication at this time:

AE, AG, AL, AM, AP, AT, BA, BB, BG, BR, BW, BZ, CA, CR, CU, CZ, DE, DK, DM, EA, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, HR, ID, IL, IN, IS, KE, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MG, MN, MW, MX, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, SC, SD, SE, SG, SK, SL, SY, TJ, TN, TR, TT, TZ, UA, UG, UZ, VC, VN, YU, ZA, ZM, ZW

The communication will be made to those Offices only upon their request. Furthermore, those Offices do not require the applicant to furnish a copy of the international application (Rule 49.1(a-bis)).

3. Enclosed with this notice is a copy of the international application as published by the International Bureau on 15 July 2004 (15.07.2004) under No. WO 2004/059837

4. **TIME LIMITS for filing a demand for international preliminary examination and for entry into the national phase**

The applicable time limit for entering the national phase will, subject to what is said in the following paragraph, be **30 MONTHS** from the priority date, not only in respect of any elected Office if a demand for international preliminary examination is filed before the expiration of **19 months** from the priority date, but also in respect of any designated Office, in the absence of filing of such demand, where Article 22(1) as modified with effect from 1 April 2002 applies in respect of that designated Office. For further details, see *PCT Gazette* No. 44/2001 of 1 November 2001, pages 19926, 19932 and 19934, as well as the *PCT Newsletter*, October and November 2001 and February 2002 issues.

In practice, time limits other than the 30-month time limit will continue to apply, for various periods of time, in respect of certain designated or elected Offices. For regular updates on the applicable time limits (20, 21, 30 or 31 months, or other time limit), Office by Office, refer to the *PCT Gazette*, the *PCT Newsletter* and the *PCT Applicant's Guide*, Volume II, National Chapters, all available from WIPO's Internet site, at <http://www.wipo.int/pct/en/index.html>.

For filing a demand for international preliminary examination, see the *PCT Applicant's Guide*, Volume I/A, Chapter IX. Only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination (at present, all PCT Contracting States are bound by Chapter II).

It is the applicant's sole responsibility to monitor all these time limits.

WENDEROTH, LIND & PARRACK LLP

PATENT ATTORNEYS

2033 K STREET, N.W. SUITE 800
WASHINGTON, D.C. 20006

SUNTRUST BANK

ACH RT 061000104

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06/23/05

PAY TO THE
ORDER OF

THE COMMISSIONER OF PATENTS AND TRADEMARKS

\$\$\$2,800.00

DO LARS

TWO THOUSAND EIGHT HUNDRED AND 00/100 DOLLARS

TAKAYAMA	NEW PCT 1732	New PCT Appl.	2005_1045A JRF	1,150.00
TAKAYAMA	NEW PCT 1732	Claims extra total over 2	2005_1045A JRF	450.00
TAKAYAMA	NEW PCT 1732	Claims- extra individual	2005_1045A JRF	1,150.00
MEMO				

150.00
150.00
Michael R Davis
AUTHORIZED SIGNATURE

AUTHORIZED SIGNATURE

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SINTRUST RIC 07632005

551-001 71167

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PATENT AND TRADEMARK OFFICE

FOR U.S. TREASURY
13-10-2005

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COPY

BEST AVAILABLE COPY